

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN RE:

**PETITION OF AQUA GREEN UTILITY,
INC. TO MODIFY ITS ESCROW
CHARGE**

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Electronically Filed in TPUC Docket
Room on October 10, 2025 at 9:38 a.m.

DOCKET NO. 25-00029

**CONSUMER ADVOCATE’S RESPONSE TO AQUA GREEN’S
FIRST SET OF DISCOVERY**

Jonathan Skrmetti, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”), pursuant to Rules 26, 33, and 34 of the Tennessee Rules of Civil Procedure, Tennessee Public Utility Commission (“TPUC” or The “Commission”) Rule 1220-01-02-.11, and the Agreed Procedural Schedule entered by the Hearing Officer in this Docket, hereby submits its responses to the *First Set of Discovery Request of Aqua Green Utility, Inc.* (“Aqua Green” or the “Company”) filed on September 8, 2025.

General Objections

All of the General Objections made herein are applicable to and are hereby incorporated into each and every response herein, and each response herein is made subject to and without waiver of these General Objections.

- A. The Consumer Advocate objects to each of the Company’s requests on the grounds that each is overly broad, unduly burdensome, and oppressive.

- B. The Consumer Advocate objects to the Company’s discovery requests to the extent that they purport to impose the obligations upon the Consumer Advocate beyond those contemplated by the Tennessee Rules of Civil Procedure, TPUC Rules, and Tennessee law.

- C. The Consumer Advocate objects to each of the Company's requests to the extent that each purports to call for information and/or documents prepared in anticipation of litigation, and/or information and/or documents protected by the attorney-client privilege, the work product doctrine, the common-interest doctrine, or any other applicable protection or privilege.
- D. The Consumer Advocate objects to each of the Company's requests to the extent that they are not applicable in the context of a proceeding before the TPUC, cite an incorrect legal conclusion, or mischaracterize or improperly summarize statements made by the Consumer Advocate's expert witnesses in their pre-filed direct testimonies.
- E. By providing the objections contained herein, the Consumer Advocate does not waive or intend to waive, but rather, intends to preserve, all objections with regard to competence, relevance, materiality, and admissibility of the discovery information or documents in any subsequent proceeding on the related subject matter. Moreover, the Consumer Advocate intends by this set of responses to preserve all objections to vagueness, ambiguity, and undue burden in connection with requests to produce documents, including those that are not in the Consumer Advocate's possession, custody, or control.
- F. The responses made herein are made to the best of Consumer Advocate's present knowledge after a reasonably diligent search for responsive information. The Consumer Advocate will supplement its responses in line with the requirements of the Tennessee Rules of Civil Procedure as well as TPUC Rules and expressly reserves its right to supplement or amend its answers, if and as appropriate, including with respect to objections that may arise at a later time than this filing.

Without waiving these General Objections as they apply to each individual request, the Consumer Advocate presents the following responses:

RESPONSES TO AQUA GREEN'S DISCOVERY REQUESTS

1-1. How do you think a homeowner would feel knowing they have to wait to get permission for the utility to replace their pump.

RESPONSE: The Consumer Advocate objects to this interrogatory because it calls for pure conjecture and speculation. The Consumer Advocate cannot know what is in the mind of a real or hypothetical customer.

1-2. If permission is asked for using funds from escrow to replace pumps, how long will it take to get an answer?

RESPONSE: The Consumer Advocate objects to this interrogatory because it seeks information in the possession of, known to, or otherwise equally available to the Company. The Commission approves use of escrow funds under TPUC Rule 1220-04-13-07(7); therefore, this question should be directed to the Commission.

1-3. What if it's a holiday weekend?

RESPONSE: The Consumer Advocate objects to this interrogatory because it seeks information in the possession of, known to, or otherwise equally available to the Company. It is the Commission that approves use of escrow funds under TPUC Rule 1220-04-13-07(7); therefore, this question should be directed to the Commission.

1-4. Do you think it's OK for customers to wait not using a toilet, take a shower, do laundry, etc.?

RESPONSE: The Consumer Advocate objects to this interrogatory as vague, ambiguous, argumentative, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. It appears that the Company disagrees with the process established under TPUC Rule 1220-04-13-07(7). The Consumer Advocate notes that the Commission during its September conference asked its Staff to consider ways to streamline the process for utilities to access escrow accounts. Kelly Cashman-Grams stated that the Staff were “aware of this situation. And the next rulemaking we will initiate to correct this procedure is pending. We will do that immediately.” *Transcript of TPUC Commission Conference on September 15, 2025* at 43:3-6.

1-5. If they use water, where will it go?

RESPONSE: Refer to the Consumer Advocate's Response to DR No. 1-4.

1-6. Will it spill out on the ground causing a health hazard?

RESPONSE: The Consumer Advocate objects to this interrogatory because it calls for pure conjecture and speculation on a vague hypothetical spill onto the ground. In addition, the Consumer Advocate is not the government agency responsible for handling public health hazards from wastewater systems.

1-7. Will it backup inside their home causing damage and stinking up there [sic] home?

RESPONSE: The Consumer Advocate objects to this interrogatory because it calls for pure conjecture and speculation on a vague hypothetical event.

1-8. Will the utility be liable for any damage?

RESPONSE: The Consumer Advocate objects to this interrogatory because it calls for pure conjecture and speculation on a vague hypothetical event. Also, the Consumer Advocate objects to this interrogatory because it calls for it to make a legal conclusion on this hypothetical.

1-9. Will the utility be liable for any contracted disease?

RESPONSE: Refer to the Consumer Advocate's Response to DR No. 1-8.

1-10. How many times in the past 3 years has the consumer advocate intervened with a utility using their escrow account?

RESPONSE: The Consumer Advocate intervened in TPUC Docket No. 25-00023 regarding the use of escrow funds.

1-11. How long did that intervention take, minimum?

RESPONSE: From intervention to the filing of a resolution, the docket took 103 days. The Consumer Advocate intervened on April 25, 2025. The request for the Commission to appoint Party Staff on August 6, 2025. After discussions among Party Staff, the utility, and the Consumer Advocate, a resolution was reached, and the utility filed an amended petition on August 19, 2025. Due to the work on TPUC Docket No. 25-00023, the Consumer Advocate did not intervene in TPUC Docket 25-00059, which involved the same utility and use of escrow funds. The request was made by the utility through a petition filed on August 7, 2025, and complied with the resolution of the previous docket. As noted before, the Commission, during its September 2025 conference, asked its Staff to consider ways to streamline the process for utilities to access escrow accounts. Kelly Cashman-Grams stated that the Staff were “aware of this situation.” And the next rulemaking we will initiate to correct this procedure is pending. We will do that immediately.” *Transcript of TPUC Commission Conference on September 15, 2025, at 43:3-6.*

1-12. What percentage of request do you intervene on?

RESPONSE: The Consumer Advocate objects to this interrogatory because it asks for a compilation, summary, or analysis of publicly available documents or information. Creating such a compilation or summary would require undue effort and is beyond the scope of standard discovery requests.

1-13. If a repair person waits and has to return, are your actions, by trying to be able to intervene, not running up my customer’s cost for no good cause?

RESPONSE: The Consumer Advocate objects to this interrogatory as vague, ambiguous, argumentative, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. However, the Consumer Advocate would like to note that its position is that a proposed change in the rate structure which affects ratepayers is “good cause” for intervention by the Consumer Advocate.

1-14. What degree of knowledge does the Consumer Advocate possess? Do you know how long the warranty is on a pump?

RESPONSE: Plaintiff objects to this interrogatory as vague, ambiguous, argumentative, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The Company simply refers to “degree of knowledge” which is vague and ambiguous. As for the question regarding the warranty on a pump, the Consumer Advocate objects to this interrogatory because it seeks information in the possession of, known to, or otherwise equally available to the Company.

1-15. How long is the warranty for a control component?

RESPONSE: The Consumer Advocate objects to this interrogatory because it seeks information in the possession of, known to, or otherwise equally available to the Company.

1-16. When does the warranty for a pump start?

RESPONSE: Refer to the Consumer Advocate Response to DR No. 1-15.

1-17. How quickly can a pump be acquired?

RESPONSE: Refer to the Consumer Advocate Response to DR No. 1-15.

1-18. How long does it sometime take to get a pump?

RESPONSE: Refer to the Consumer Advocate Response to DR No. 1-15.

1-19. Can you give examples when we should not replace a defective pump?

RESPONSE: Refer to the Consumer Advocate Response to DR No. 1-15

1-20. Can you give examples of scheduled pump maintenance?

RESPONSE: Refer to the Consumer Advocate Response to DR No. 1-15.

1-21. Can you give examples of when we should not replace a defective control component?

RESPONSE: Refer to the Consumer Advocate Response to DR No. 1-15

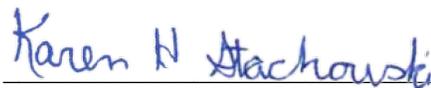
1-22. Can you give examples of scheduled control component maintenance?

RESPONSE: Refer to the Consumer Advocate Response to DR No. 1-15

1-23. What scheduled maintenance can you give an example of?

RESPONSE: Refer to the Consumer Advocate Response to DR No. 1-15

RESPECTFULLY SUBMITTED,



KAREN H. STACHOWSKI (BPR No. 019607)

Deputy Attorney General

VANCE L. BROEMEL (BPR No. 011421)

Managing Attorney

Office of the Tennessee Attorney General

Consumer Advocate Division

P.O. Box 20207

Nashville, Tennessee 37202-0207

Phone: (615) 741-2350

Fax: (615) 741-1026

Email: Karen.Stachowski@ag.tn.gov

Email: Vance.Broemel@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon:

Dart Kendall
Aqua Green Utility, Inc.
3350 Galts Rd
Acworth, GA 30102
Email: dart@aquagreenutility.com

This the 10th day of October, 2025.



KAREN H. STACHOWSKI
Deputy Attorney General